

UNITED STATES MAGISTRATE JUDGES' RULES

MJR 1. GENERAL POWERS AND DUTIES

Each United States Magistrate Judge appointed by this court is authorized to perform the duties prescribed by 28 U.S.C. § 636(a) and may:

- (a)** Try persons accused of misdemeanors, order a presentence investigation report on any such person who is convicted or pleads guilty or nolo contendere, and sentence such persons, all in accordance with the provisions of 18 U.S.C. § 3401 and applicable rules; provided, however, that where defendant is entitled to trial by jury and does not waive that right, the trial shall be conducted by a district judge or by a full-time magistrate judge;
- (b)** Authorize the issuance of subpoenas, writs of habeas corpus ad testificandum or ad prosequendum, and issue or authorize issuance of any other orders or warrants necessary to obtain the presence of parties or witnesses or evidence needed for court proceedings;
- (c)** Conduct extradition proceedings, in accordance with 18 U.S.C. § 3184;
- (d)** Order examinations to determine mental competency under 18 U.S.C. § 4241 et seq. and conduct all further proceedings thereunder in cases to be tried by the magistrate judge;
- (e)** Supervise proceedings conducted pursuant to letters rogatory, in accordance with 28 U.S.C. § 1782, when designated to do so by a district judge;
- (f)** Accept waivers of indictment, pursuant to Rule 7(b) of the Federal Rules of Criminal Procedure;
- (g)** Impose appropriate sanctions upon parties or counsel appearing before them in any matter referred to them or with regard to which they have independent jurisdiction;
- (h)** Rule upon applications to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915;
- (i)** Grant, upon an appropriate showing, warrants authorizing entry on premises by officers of the United States to conduct worksite inspections and investigations in enforcement of the Occupational Safety and Health Act of 1970 (29 U.S.C. § 651 et seq.);
- (j)** Rule upon motions to require defendants in criminal cases to participate in a line-up, furnish handwriting samples or furnish voice exemplars;
- (k)** Conduct arraignments in criminal cases not triable by the magistrate judge to the extent of taking a not guilty plea; and
- (l)** Exercise all powers and duties assigned to them from time to time by the district judges which

are not inconsistent with the Constitution and laws of the United States.

[Effective May 1, 1992; amended effective July 1, 1997.]